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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:
Clark Baker Jr. et al.

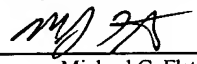
Serial No.: 10/796,566

Filed: March 8, 2004

For: PULSE OXIMETER WITH
ALTERNATE HEART-RATE
DETERMINATION

§
§ Group Art Unit: 3736
§
§
§ Examiner: Unassigned
§
§
§ Atty Docket: TYHC:0069/FLE
§ P0426R
§

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

| CERTIFICATE OF MAILING 37 C.F.R. 1.8 | |
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| I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below: | |
| July 20, 2005 |  |
| Date | Michael G. Fletcher |

Sir:

**INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. §§ 1.97(d) AND 1.98**

In compliance with the duty of disclosure under 37 C.F.R. § 1.56(a), it is respectfully requested that this Information Disclosure Statement be entered and that the listed references be considered by the Examiner and made of record. Applicants note that, due to recent amendments to 37 C.F.R. § 1.98(a), copies of the listed domestic references are no longer required to be submitted to the Examiner.

In accordance with 37 C.F.R. § 1.97, this Information Disclosure Statement is not to be construed as a representation that a search has been made, as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b), or as a representation that no other possibly material information, as defined in 37 C.F.R. § 1.56(b), exists.

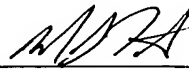
Furthermore, the references listed on the attached PTO/SB/08A Form are not to be construed as an admission that these references qualify as prior art as to the above-referenced application or any related application. Rather, these references are being presented for the Examiner's consideration without prejudice to the right to demonstrate that any of these references do not qualify as prior art should the Examiner choose to apply any of these references.

The following information is listed below in accordance with 37 C.F.R. §1.98. Any explanation of non-English language documents contained in this Information Disclosure Statement is believed to constitute a concise explanation of the relevance of the listed reference as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the listed reference, in accordance with 37 C.F.R. § 1.98(a)(3).

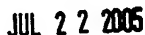
Applicants believe this Information Disclosure Statement is properly filed in accordance with 37 C.F.R. § 1.97(b). Consequently, no fee is believed due with this Information Disclosure Statement. However, the Commissioner is authorized to charge any requisite fee for this Information Disclosure Statement, and any additional fee which may be required, to Deposit Account No. 06-1315; Order No. TYHC:0069/FLE.

Respectfully submitted,

Date: July 20, 2005



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Complete if Known

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| Application Number | 10/796,566 |
| Filing Date | 3/8/2004 |
| First Named Inventor | Clark R. Baker Jr. |
| Art Unit | 3736 |
| Examiner Name | Unassigned |
| Attorney Docket Number | TYHC:0069 (P0426R) |

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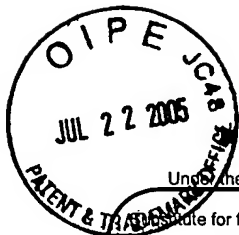
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Form 1449/PTO**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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| Attorney Docket Number | TYHC:0069 (P0426R) |

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NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|-----------------------|--------------------------|---|----------------|
| | 3 | Reuss et al., "Period Domain Analysis in Fetal Pulse Oximetry," Second Joint EMBS-BMES Conference 2002. | |
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